

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LYNN RAY GRIM,

Petitioner,

v.

PERRY RUSSELL, *et al.*,

Respondents.

Case No. 3:22-cv-00012-MMD-WGC

ORDER

Petitioner Lynn Ray Grim, a prisoner at the Northern Nevada Correctional Center, has submitted a pleading on the form for a petition for writ of habeas corpus under 28 U.S.C. § 2241. (ECF No. 1-1.) Grim seeks relief with respect to the way his inmate financial account is being managed.

Section 2241 of Title 28 provides relief for prisoners in custody in violation of the of the Constitution, laws, or treaties of the United States. See § 2241(c)(3); *Carafas v. LaVallee*, 391 U.S. 234, 238 (1968). Grim's claims are not cognizable under 28 U.S.C. § 2241 because they do not concern the fact or duration of his confinement. See *Preiser v. Rodriguez*, 411 U.S. 475, 489 (1973). Instead, he is challenging the conditions of his confinement, which makes a civil rights action under 42 U.S.C. § 1983 his proper means for relief. See *id.* at 499.

In addition, this matter has not been properly commenced because Grim has not paid a filing fee or filed a motion to proceed *in forma pauperis*. See 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2.

It is therefore ordered that this action is dismissed without prejudice. If Grim wishes to pursue his claims, he must file a new cause of action in a new proceeding with an *in forma pauperis* application on the proper form with all required attachments.

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1 The Clerk of Court is directed to send Grim an application to proceed *in forma*
2 *pauperis* for incarcerated persons and the form for a civil rights complaint under 42 U.S.C.
3 § 1983, one copy of the instructions for each form, and a copy of the papers that he
4 submitted in this action.

5 It is further ordered that a certificate of appealability is denied, as jurists of reason
6 would not find the Court's dismissal of this improperly commenced action without
7 prejudice to be debatable or incorrect.

8 The Clerk of Court is further directed to enter judgment accordingly and close this
9 case.

10 DATED THIS 18th Day of January 2022.

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13 MIRANDA M. DU
14 CHIEF UNITED STATES DISTRICT JUDGE
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